

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTRANIK KESHISHIAN,	:	Civil Action No. 09-2968 (JBS)
	:	
Petitioner,	:	
	:	
v.	:	<u>MEMORANDUM OPINION</u>
	:	
WARDEN GRONDOLSKY,	:	
	:	
Respondent.	:	

It appearing that:

1. On June 16, 2009, Petitioner, an inmate incarcerated at FCI Fort Dix, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging his prerelease custody placement date pursuant to the Second Chance Act of 2007, Pub. L. 110-199, Title II. § 251(a), 122 Stat. 692 (April 9, 2008), which, inter alia, increases the prerelease custody period to 12 months. See 18 U.S.C. § 3624(c).

2. On August 20, 2009, Respondent filed an Answer seeking dismissal of the Petition. Petitioner filed a Reply on September 10, 2009.

3. On December 11, 2009, the Bureau of Prisons released Petitioner from custody. See Inmate Locator, Fed. Bureau of Prisons. See <http://www.bop.gov/iloc2/InmateFinderServlet?Transaction=IDSearch&needingMoreList=false&IDType=IRN&IDNumber=28432-004&x=60&y=12> (last accessed Mar. 8, 2010).

4. Article III of the Constitution limits the judicial power of federal courts to "cases or controversies" between parties. U.S. CONST. art. III, § 2. "The exercise of judicial

power under Art. III of the Constitution depends on the existence of a case or controversy," and "a federal court [lacks] the power to render advisory opinions." U.S. Nat'l Bank of Oregon v. Independent Ins. Agents of America, Inc., 508 U.S. 439, 445 (1993) (quoting Preiser v. Newkirk, 422 U.S. 395, 401 (1975)). "This case-or-controversy requirement subsists through all stages of federal judicial proceedings." Lewis v. Continental Bank Corp., 494 U.S. 472, 477-78 (1990). "This means that, throughout the litigation, the plaintiff must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." Spencer, 523 U.S. at 7.

5. Petitioner's release on December 11, 2009, caused the Petition to be moot because it no longer presented a case or controversy under Article III, § 2, of the Constitution. Spencer, 523 U.S. at 7. See Scott v. Holt, 297 Fed. App'x 154 (3d Cir. 2008).

6. An appropriate Order accompanies this Memorandum Opinion.

s/ Jerome B. Simandle

JEROME B. SIMANDLE, U.S.D.J.

Dated: March 9, 2010